

House File 243 - Introduced

HOUSE FILE 243
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 43)

A BILL FOR

1 An Act relating to instruments used to update the county
2 transfer books and index maintained by the county auditor.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 558.66, Code 2011, is amended by striking
2 the section and inserting in lieu thereof the following:

3 **558.66 Updating county administrative records.**

4 1. Upon the receipt of an instrument that satisfies the
5 requirements of this section and the payment of the applicable
6 fees authorized in section 331.507, subsection 2, the auditor
7 shall enter the updated or corrected real estate ownership
8 information in the transfer books and index required by section
9 558.60.

10 2. In the case of an instrument filed with the recorder that
11 satisfies the requirements of this section, the recorder shall
12 collect the applicable fees authorized under section 331.507,
13 subsection 2, and section 331.604 and pay such fees to the
14 treasurer as provided in section 331.902, subsection 3.

15 3. Each of the following instruments shall be accepted by
16 the recorder for the purpose of updating the county transfer
17 books and index if a conveyance has not occurred:

18 a. A certificate issued by the clerk of the district court
19 or clerk of the supreme court indicating that the title to real
20 estate has been finally established in any named person by
21 judgment or decree or by will.

22 b. An affidavit of or on behalf of a surviving joint tenant
23 or a person who owns the remainder interest. The affidavit
24 shall include substantially the following:

25 (1) The name of the affiant.

26 (2) The name of the surviving joint tenant or owner of
27 the remainder interest, as applicable, whose name the county
28 records should reflect ownership of title.

29 (3) The name of the deceased joint tenant or life tenant and
30 such person's date of death.

31 (4) The legal description of the real estate located in the
32 county.

33 (5) The description and date of filing and recording of the
34 conveyance instrument by which the surviving joint tenant or
35 owner of the remainder interest acquired title.

1 (6) The document reference number of the instrument
2 establishing title, if applicable.

3 (7) A request that the auditor enter the information on the
4 transfer books and index pursuant to subsection 1.

5 *c.* An affidavit by or for a person, other than an
6 individual, following a merger, consolidation, name change, or
7 change of fiduciary. The affidavit shall include substantially
8 the following, as applicable:

9 (1) The former name of the person.

10 (2) The new name of the person.

11 (3) The legal description of the real estate located in the
12 county.

13 (4) A description of the merger, consolidation, name
14 change, or change of fiduciary.

15 (5) A request that the auditor enter the information on the
16 transfer books and index pursuant to subsection 1.

17 *d.* Articles of merger, consolidation, or name change as
18 required by another provision of law if the legal description
19 of the real estate is attached thereto.

20 4. An instrument recorded pursuant to this section is not a
21 muniment of title.

22 EXPLANATION

23 This bill strikes and rewrites current Code section 558.66
24 relating to updating of the county transfer books and index by
25 the county auditor upon receipt of certain certificates issued
26 by the clerk of the district court or clerk of the supreme
27 court indicating that the title to real estate has been finally
28 established and other specified affidavits filed relating to
29 real estate held in joint tenancy by married individuals.

30 The bill provides that upon the receipt by the recorder of
31 certain instruments containing specified information relating
32 to the ownership of real estate and the payment of all required
33 fees, the auditor shall enter the updated or corrected real
34 estate ownership information in the transfer books and index.
35 The county recorder is directed to deliver such instruments

1 to the county auditor under Code section 558.58. The types
2 of instruments authorized in the bill for use by the auditor
3 include a certificate issued by the clerk of the district court
4 or clerk of the supreme court indicating that the title to real
5 estate has been finally established in any named person by
6 judgment or decree or by will, an affidavit of or on behalf of
7 a surviving joint tenant (not only those joint tenants who are
8 a surviving spouse) or a person who owns a remainder interest,
9 an affidavit by or for a person, other than an individual,
10 following a merger, consolidation, name change, or change of
11 fiduciary, and articles of merger, consolidation, or name
12 change if the legal description of the real estate is attached.
13 The bill provides that an instrument recorded under the bill is
14 not a muniment of title.